

appeal bond in said proceeding. Lost by the following vote:

YEAS—Senators Dillard, Ellis, Erath, Ireland, Russell, Shepard and Wood—7.

NAYS—Senators Allison, Ball, Baker, Bradshaw, Bradley, Burton, Camp, Culberson, Craven, Davenport, Dwyer, Flanagan, Friend, Hobby, Joseph, Ledbetter, Morris, Moore, Parker, Randle, Stirman, Swift and Westfall—23.

Senator Russell offered a substitute for the amendment offered by Senator Camp, and sections one and two of the bill under consideration.

On motion of Senator Hobby, the Senate adjourned until 10 o'clock A. M. to-morrow.

SEVENTEENTH DAY.

SENATE CHAMBER,
AUSTIN, January 30, 1875.

Senate met pursuant to adjournment. Roll called; quorum present. Prayer by the chaplain.

On motion of Senator Wood, the reading of the journal of yesterday was dispensed with.

Senator Bradshaw rose to a question of privilege in relation to an article that appeared in the *Houston TELEGRAPH*, of the 29th inst., regarding his position on the International bond question. He stated that the author of it was either a fool or a public slanderer, and no more fit to conduct the columns of a Democratic newspaper, than any convict in the State prison.

Senator Friend, for Committee on Engrossed bills, submitted the following report:

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 484, "An act to amend section twenty-eight of an act entitled 'an act to regulate the assessment and collection of taxes,'" passed May 31st, 1873. Also, Senate bill No. 573, "An act to legalize and make valid certain process issued from the district court of Hunt county." Also, Senate bill No. 491, "An act to reorganize the Fourth and Fifth Judicial Dis-

tricts of the State of Texas, and to provide for the times of holding the courts therein." Also, Senate bill No. 469, "An act to incorporate the Brazos, Clear Creek and Galveston, Canal Company," and find all of the same correctly engrossed.

W. R. FRIEND, for Committee.

Senator Wood, for Committee on Finance, submitted the following report :

Hon. R. B. Hubbard, President of the Senate :

Your Committee on Finance, to whom was referred Senate bill No. 558, entitled "An act for funding warrants issued for services prior to January, 1861, and certificates of the public debt issued by the Auditorial Board," have considered said bill and instructed me to report the same back, and recommend the passage of the same with the following amendments.

W. D. WOOD, for Committee.

Amendments recommended by the committee :

First amendment—Amend caption of the bill by striking out of same line three, four, five and six, and the word "also" in seventh line, and all of ninth line after the word "board," and all of tenth line of caption.

Second amendment—In the sixteenth line of first section strike out the word "ten," and insert instead the word "six."

Third amendment—Strike out of second section all of lines one, two, three, four and five to the word "any." In lines nine and ten strike out the word "in lieu of such Treasury warrants." In line twenty-two strike out the words "State warrants or." In line thirty strike out the words "State warrants or." In lines thirty-one and thirty-two strike out the words "State warrants or." Line fifty strike out the words "or certificate of public debt." In line forty-seven strike out the words "State warrants," and insert instead thereof the words "certificates of public debt."

Fourth amendment—Strike out of lines five and six of the third section of the bill the words, "State warrants and." In lines fourteen and fifteen, strike out the words, "State warrants or." In lines nineteen and twenty, strike out the words, "State warrants and."

Fifth amendment—Strike out of the first and second

lines of section six the words, "three thousand," and insert instead thereof the words "three hundred."

Sixth amendment—Section —. In all cases where certificates of debt are presented, and there shall be the fractional part of one hundred dollars, the holder shall, for such fractional part of one hundred dollars, be entitled to a certificate for such amount, which shall be signed by the treasurer, with the seal of his office, and which said certificate shall be payable and transferable as the bonds provide in this act, and bear the same rate of interest, payable as the interest on said bonds, and the fund for the payment of the interest on such certificates, and the sinking fund to pay the principal shall be provided for in the same way as for the bonds authorized by this act. Said certificates shall be numbered consecutively, registered by the Treasurer, and reported by him to the Comptroller, as provided in the case of bonds under this act. If any of said certificates of public debt, issued by the Auditorial Board bear a special rate of interest, interest shall be computed on them from date to presentation, at such special rate. If no special rate of interest is specified, it shall be computed from date, at rate of six per cent. Should any of said certificates be payable in specie or gold, the specie or gold shall be reduced to United States currency, at the current rate at time of presentation; and the owner or holder of any of these certificates shall be entitled to the said bonds or certificates for fractional amounts as herein provided for, the principal and interest due at date of presentation.

Senator Wood introduced a bill, entitled "An act requiring the presiding justices to assess the taxes, State and county, for 1875." Read first time and referred to Finance Committee.

Senator Wood introduced a bill entitled "An act to amend first section of 'an act to punish unlawful interference with private property or private rights.'" Read first time and referred to Finance Committee.

On motion of Senator Shepard, the rules were suspended and House bill No. 634, "An act to incorporate the Galveston, Brazos and Colorado Narrow Gauge Railway Company," was taken up and read first time.

On motion of Senator Joseph, the rules were suspended, bill read second time and passed to third reading.

On motion of Senator Joseph, the rules were further

suspended, bill read third time and passed by the following vote :

YEAS—Senators Ball, Baker, Bradley, Camp, Culberson, Dillard, Davenport, Dwyer, Ellis, Erath, Flanagan, Hobby, Ireland Joseph, Morris, Moore, Parker, Randle, Russell, Shepard, Stirman, Westfall and Wood—23.

NAYS—Senator Bradshaw—1.

Senator Westfall presented a memorial from Jacob L. Chandler "For claims against the State." Read and referred to Finance Committee.

Senator Westfall introduced a bill entitled "An act for the relief of Jacob L. Chandler." Read first time and referred to Committee on Finance.

Senator Dillard offered the following resolution :

WHEREAS, The Hon. N. S. Craven was detained for some time on account of illness ; therefore, be it

Resolved by the Senate, That the Secretary be required to issue his *per diem* certificate from the commencement of the session. Adopted.

Senator Westfall, for Committee on Enrolled Bills, submitted the following report :

Hon. R. B. Hubbard, President of the Senate :

Your Committee on Enrolled Bills ask leave to report that they have carefully examined and find correctly enrolled, Senate bill No. 345, "An act to carry into effect section 24 of article 5, of the constitution, by defining the offenses of non-feasance, mis-feasance and mal-feasance in office, and providing penalties therefor," and have this 30th day of January, 1875, at 10 o'clock A. M., presented the same to the Governor for his approval.

W. H. WESTFALL, for Committee.

A message was received from the House, announcing the passage of the following House bills: No. 660, "An act to pay counsel for prosecuting cases in favor of the State of Texas." No. 561, "An act to authorize the county court of Waller county to have certain records transcribed." No. 231, "An act to incorporate the Galveston Cotton Exchange." No. 675, "An act to authorize the county court of Collin county to issue bonds." Also, House joint resolution No. 57, "Instructing and requesting our Congressional delegation to urge upon Congress the early and favorable consideration of the claims upon the people's gratitude of those who rendered service in the

army and navy of the United States in the late war with Mexico."

The hour for the consideration of the special order having arrived, to-wit: the substitute offered by Senator Dwyer, for Senate bill No. 463, "An act to limit the amount in bonds to be issued to the International Railroad Company," said substitute being entitled "An act to limit the amount in bonds to be issued to the International Railroad Company," pending a substitute offered by Senator Russell on the same subject, it was taken up, pending an amendment offered by Senator Camp on yesterday.

On motion of Senator Westfall, the Senate decided that the amendment offered by Senator Camp on yesterday would be first considered.

The vote on said amendment was as follows, Senator Allison having paired off with Senator Ledbetter:

YEAS—Senators Baker, Burton, Camp, Culberson, Dwyer, Flanagan, Friend, Joseph, Morris, Moore, Randle, Stirman, Swift and Westfall—14.

NAYS—Senators Ball, Bradshaw, Bradley, Craven Dillard, Davenport, Ellis, Erath, Hobby, Ireland, Parker, Russell, Shepard and Wood—14.

The question being evenly divided, the President of the Senate voted in the affirmative, thereby adopting the amendment.

The question then recurred on the adoption of the substitute offered by Senator Russell, said substitute being as follows:

Substitute for amendment and for sections one and two:

"Section 1. *Be it enacted by the Legislature of the State of Texas*, That the obligation of the State to aid in the construction of the International Railroad by the donation of bonds to said company, in accordance with the provisions of an act entitled 'An act to incorporate the International Railroad Company, and to provide for the aid of the State of Texas in constructing the same,' passed August 5th, 1870, be and the same is hereby limited to *four millions of dollars*, of which amount \$1,500,000, in the bonds of the State, shall be delivered to said company on that portion of the road between the city of Jefferson, in Marion county, and Rockdale, in Milam county, *six hundred thousand* dollars to be delivered to said company as soon as said road shall be constructed to the city of Austin; a further sum of \$300,000, when the road shall reach the town

of San Marcos; a further sum of \$200,000, when the road shall reach the town of New Braunfels; a further sum of \$400,000, when said road shall be completed to the city of San Antonio; a further sum of \$500,000, when the said road shall be built *fifty* miles to the westward of San Antonio, and the remaining \$500,000, to be delivered to said company as soon as its road shall be constructed to the city of Laredo, on the Rio Grande river, in Webb county; *provided*, that of the bonds to be issued on that portion of the road between the city of Jefferson and Rockdale, \$150,000 shall be retained by the Governor of the State until said railroad is completed to the city of Jefferson, and if the said company shall fail to complete the said road within the time prescribed by law, then their right to the bonds aforesaid shall be forfeited, and the same shall not be delivered to said railroad company. And when the said bonds are issued and delivered to and accepted by the said railroad company, in accordance with the aforesaid conditions, the same shall be a full, final and complete settlement of all claims and demands on the part of said company, for bonds of the State, and the State shall be and is hereby discharged from all other and further liabilities to grant aid in bonds of the State to said railroad company.

Sec. 2. That the said bonds to be issued and delivered to said company, shall be signed, registered and delivered to said company in accordance with the restrictions set forth, and they shall conform in all respects to the bonds described in the above named act of incorporation."

Senator Shepard offered the following amendments to the substitute offered by Senator Russell, and the same were accepted by Senator Russell:

Section 1. Amend by striking out between the words "*four millions of dollars*" and the word "*provided*," and insert as follows: "of which amount \$1,500,000 in bonds of the State shall be delivered to said company on that portion of the road between Jefferson and Austin, and \$1,000,000 on that portion of the road between Austin and San Antonio, and \$1,500,000 on that portion of the road between San Antonio and Laredo, on the Rio Grande river."

Amend further by adding to end of section 1:

"*Provided*, that of the amount of bonds to be given between Jefferson and Austin, \$300,000 shall be retained by the Governor, until the road shall have crossed the Colorado river; that of the amount of bonds to be delivered to said

company on that part of the road between Austin and San Antonio, \$400,000 shall be retained by the Governor until said company shall have completed its road twenty miles westward of San Antonio; that the bonds to be issued to said company on that portion of the road between San Antonio and Laredo, shall be delivered in amounts as follows: \$500,000 when fifty miles shall have been completed; \$500,000 when hundred miles are constructed, and the remaining \$500,000 when the said road shall have been completed to the city of Laredo, on the Rio Grande."

The question then recurring on the substitute and amendments as offered by Senator Russell, and these offered by Senator Shepard, they were lost by the following vote:

YEAS—Senators Bradley, Dillard, Davenport, Ellis, Erath, Hobby, Ireland, Russell, Shepard and Wood—10.

NAYS—Senators Ball, Baker, Bradshaw, Burton, Camp, Culberson, Craven, Dwyer, Flanagan, Friend, Joseph, Morris, Moore, Parker, Randle, Stirman, Swift and Westfall—18.

Senator Dillard offered as a substitute for the whole matter under consideration, a bill entitled "An act to aid in the construction of the International Railroad, and to settle and compromise the claims which it holds against the State of Texas." Substitute read first time.

On motion of Senator Shepard, Senator Joseph was excused for one week.

On motion of Senator Ball, Senator Baker was excused until Tuesday.

On motion of Senator Ball, the Senate adjourned until Monday, 10 o'clock A. M.

EIGHTEENTH DAY.

SENATE CHAMBER,
AUSTIN, February 1, 1875. }

Senate met pursuant to adjournment. Roll called; quorum present. Prayer by the chaplain. Journal of Saturday read and adopted.

Senator Friend, for Committee on Engrossed Bills, submitted the following report:

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Engrossed Bills ask leave to report that they have carefully examined and compared the fol-